

### **REMARKS/ARGUMENTS**

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are indefinite under the provisions of 35 USC § 112 or are anticipated under the provisions of 35 USC § 102 (e). Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues resulting in adverse action in any of the claims now pending in the application, Applicants request that the Examiner telephone Ms. Janet M. Skafar, Esq. at telephone number (650) 988-0655 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

#### **Status of Claims**

Claims 2, 3, 4, 8-10 and 31-34 are pending in this application. Claims 1, 5, 6, 7 and 11-30 are canceled. Claims 31-34 are new.

#### **The Cancellation of Claims 1, 5, 6, 7 and 11-30**

In this amendment, Applicants have canceled claims 1, 5, 6, 7 and 11-30 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 1, 5, 6, 7 and 11-30 is not patentable. Claims 1, 5, 6, 7 and 11-30 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including the subject matter encompassed by claims 1, 5, 6, 7 and 11-30, as presented prior to this Amendment in one or more continuing applications.

The Supplemental Office Action of June 17, 2008

The Supplemental Office Action Summary of June 17, 2008 indicated that a "Notice of References Cited" and "Information Disclosure Statement(s)" were attached. Applicants respectfully point out that no "Notice of References Cited" and "Information Disclosure Statement(s)" were attached to the Supplemental Office Action Summary of June 17, 2008. In addition, the Supplemental Office Action Summary of June 17, 2008 did not indicate that an "Interview Summary" was attached. Applicants respectfully point out that an "Interview Summary" was attached to the Supplemental Office Action Summary of June 17, 2008.

Information Disclosure Statement

Applicants want to point out a typographical error on Page 1 of the Form PTO-1449 of the Information Disclosure Statement (IDS) submitted on August 27, 2003. The Document number for Foreign Patent Document "BA" of the IDS of August 27, 2008 should be "PCT WO 03/001382", and not "PCT WO 08/001382". The Foreign Patent Document that was submitted is correct.

Applicants are submitting an IDS with the correct document number and the Foreign Patent Document.

In the Specification

Because the non-method claims have been canceled, Applicants are amending the title of the patent application to delete the term "program".

Because the non-method claims have been canceled, Applicants are submitting a replacement Abstract. The first sentence of the Abstract is changed from "In a method, apparatus, and article of manufacture implementing the method for log-capture based replication, a mainline log reader publishes messages to a plurality of queues" to "A mainline log reader publishes messages to a plurality of queues."

The Rejection of Claims 1, 11 and 21 Under 35 USC § 112 second paragraph

Because Claims 1, 11 and 21 are canceled, Applicants believe that the rejection is now moot with respect to Claims 1, 11 and 21. In addition independent claims 8 and 9 do not recite "log-capture replication" in the preamble. Therefore, Applicants respectfully request that the rejection under 35 USC § 112 second paragraph be withdrawn.

The Rejection of Claims 1-7, 10-18, 20-27 and 30 Under 35 USC § 102 (e)

Because Claims 1, 5, 6, 7, 11-18, 20-27 and 30 are cancelled, Applicants respectfully maintain that the rejection is now moot with respect to Claims 1, 5, 6, 7, 11-18, 20-27 and 30. Claims 2-4 and 10 are amended to depend from Claim 8 and are patentable for the same reasons as Claim 8.

Allowable Claims

Claims 8 and 9 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Claims 8 and 9 were rewritten in independent form.

Applicants respectfully point out that Claims 8 and 9 are also amended to recite "~~sending~~ a first synchronization message of the synchronization messages being sent" and "~~sending~~ a second synchronization message of the synchronization messages being sent" for clarity. Applicants respectfully point out that Claim 9 is also amended to recite: "a stop message of the synchronization messages being sent to the second log reader".

In addition, the terms "when" and "if" were changed to "in response to" to more particularly point out the invention.

In addition, Claims 2-4 and 10 are amended to depend from Claim 8.

New Claims 31-34 depend from Claim 9 and are patentable for the same reasons as Claim 9.

#### Conclusion

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

June 30, 2008



---

Janet M. Skafar, Attorney  
Reg. No. 41,315  
Correspondence Customer No. 55070  
Telephone: (650)988-0655  
Facsimile: (408) 463-4827

Attachment: Abstract